REMARKS

This is in response to the non-final Office Action dated November 16, 2006 having a response due date (with a two month extension) of April 16, 2006. For at least the reasons stated below, Applicant submits the pending claims are in condition for allowance.

Claim Amendments

Claims 1, 16 and 32 have been amended. Claims 1 and 16 to include further clarifying language to obviate any potential confusion regarding the scope of the pending claims. Claim 32 is amended to correct a typographical error.

Rejection under 35 U.S.C. §102(e)

Claims 1 - 10, 16 - 25, and 32 - 40 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,107,589 ("Tal"). The Applicants respectfully traverse and submit the rejection is improper as Tal fails to identically disclose every claimed limitation of claims 1-10, 16-25 and 32-40.

As understood, Tal discloses a method and apparatus to perform an application software migration. Tal notes one example of a software application, specifically the executable code, relating to a database, Tal does not disclose database synchronization. It is submitted that database migration is wholly inconsistent with software migration, and hence Tal discloses technology unrelated to the present application.

Moreover, Tal performs a completely different function, operating in a completely different manner and thereby producing a completely different result. Tal

discloses a function a "software migration process" (col. 3, lines 27-28) which is inconsistent with synchronizing copies of a database. Tal uses a schema to denote changes to "programming elements" that are essential in the migration process to update a software application on an end-user computer which is inconsistent with the claimed steps, including, among other steps, "determining changes made to a schema of a first copy of the database and generating a migration script according to changes made to the schema" (emphasis added) as the schema relates to the changes in the database and not the software code as disclosed by Tal. Furthermore, Tal produces a completely different result which is synchronized copies of software, which is in direct contradiction to the claimed synchronization of copies of a database.

Additionally, Tal fails to disclose additional elements found in independent claims 1, 16, and 32. Tal fails to disclose in their software migration process any attempt to determine the changes made to a schema of a first copy of the database that is to be synchronized. Tal discloses a repository that includes past, present, and future versions of programming elements of a software application to be migrated, col. 3, ll. 43-46, but fails to disclose determining or tracking the actual changes made to a software application, or database schema. The repository merely has "logic to allow multiple application software developers to check programming elements into and out of the configuration repository 140." col. 3, ll. 47-49. Accordingly, while Tal allows a programmer to check out programming elements that may be required for a software version, Tal does not discuss determining changes made to a first copy of a database schema.
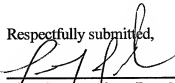
Claims 2–9, 17-25, and 33–40 depend from claims 1, 16, and 32, respectively, and recite further patentable subject matter in view thereof. For at least the same reasons noted above regarding claims 1, 16 and 32, Applicant submits claims 2-9, 17-25 and 33-40 are additionally patentable.

For at least all of the above reasons, Applicants respectfully request that the Examiner withdraw all rejections and objections, and allowance of all the pending claims is respectfully solicited. To expedite prosecution of this application to allowance, the examiner is invited to call the Applicants' undersigned representative to discuss any issues relating to this application.

Dated: April 13, 2007

Respectfully submitted,

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